

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR11-229-MJP

12 v.

13 SHANNON MICHELLE CLARK,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16 **INTRODUCTION**

17 I conducted a hearing on alleged violations of supervised release in this case on August 30,
18 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was
19 represented by Mary Dimke, and defendant was represented by Nancy Tenney. Also present was
20 U.S. Probation Officer Angela M. McGlynn. The proceedings were digitally recorded.

21 **SENTENCE AND PRIOR ACTION**

22 Defendant was sentenced on September 17, 2009, by the Honorable Donald W. Molloy,
23 U.S. District Court Judge, District of Montana for Black Mail. She received five years of
supervised release.

Ms. Clark originally began her five year term of probation on September 17, 2009.
Supervision was accepted by the District of Nevada on October 23, 2009. On March 22, 2010, a

1 violation report and request for warrant was submitted to the Court in the District of Montana,
2 alleging Ms. Clark violated the conditions of supervision by failing to report for drug testing,
3 failing to participate in substance abuse treatment, consuming alcohol, and possessing marijuana.
4 On April 12, 2010, Ms. Clark's probation was revoked and she was sentenced to 8 months
5 detention followed by one year of supervised release.

6 On June 28, 2011, a violation report was submitted to the Honorable Donald W. Molloy in
7 the District of Montana, alleging the defendant consumed alcohol, used marijuana, and left the
8 judicial district without permission. No Court action was requested and approved as the
9 defendant agreed to participate in intensive Moral Reconciliation Therapy (MRT) Program, and for
10 leaving the district without permission, the defendant agreed to perform 30 hours of community
11 service. In addition, a transfer of jurisdiction was requested at the time these violations were
12 reported.

13 On July 8, 2011, the Western District of Washington accepted jurisdiction from the District
14 of Montana.

15 On July 27, 2010, a report requesting a modification to the defendant's conditions of
16 supervision to add that the defendant participate in the home confinement program with
17 electronic monitoring and the sobriety for 60 days was recommended after the defendant
18 admitted to drinking alcohol. The modification was approved by the Court on August 2, 2011.

19 PRESENTLY ALLEGED VIOLATIONS

20 In a petition dated August 26, 2011, U.S. Probation Officer Angela M. McGlynn alleged
21 that defendant violated the following conditions of supervised release:

22 1. Failing to comply with the Location Monitoring (LM) Program on August 18,
23 August 24, and August 25, 2011, in violation of the special condition requiring her to participate

1 in the LM Program with electronic home monitoring and the sobriety (alcohol testing device) as
2 directed by the probation officer for a period of 60 days.

3 2. Consuming alcohol on or before August 18, August 24, and August 25, 2011, in
4 violation of the special condition that prohibits the defendant from consuming alcohol.

5 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

6 Defendant admitted the above violations and waived any hearing as to whether they
7 occurred. Counsel will contact U.S. District Judge Marsha J. Pechman to set a disposition
8 hearing date.

9 **RECOMMENDED FINDINGS AND CONCLUSIONS**

10 Based upon the foregoing, I recommend the court find that defendant has violated the
11 conditions of his supervised release as alleged above, and conduct a disposition hearing.

12 DATED this 30th day of August, 2011.

13
14 

15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
17
18
19
20
21
22
23